

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

## OFFENSE CHARGED

18 U.S.C. § 1028(a)(2)

Petty  
 Minor  
 Misdemeanor  
 Felony

## PENALTY:

15 years imprisonment; \$250,000 fine; 3 years supervised release; and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

## DEFENDANT - U.S.

OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ

## DISTRICT COURT NUMBER

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

DHS-ICE

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY  DEFENSE

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Keslie Stewart, AUSA

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments:

## DEFENDANT

## IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior summons was served on above charges

2)  Is a Fugitive3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

4)  On this charge5)  On another conviction

}  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer  Yes  
 been filed?  No

} If "Yes"  
 give date  
 filed \_\_\_\_\_

DATE OF  
 ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
 TO U.S. CUSTODY

Month/Day/Year  
 May 20, 2008

This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

Per Leri, Keslie Stewart, not a record

OA 91 Criminal Complaint

## United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA MAY 21 2008

UNITED STATES OF AMERICA  
V.

OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ

RICHARD W WIEKING  
CLERK, U.S. DISTRICT COURT  
CRIMINAL COMPLAINT  
NORTHERN DISTRICT OF CALIFORNIA

Case Number:

4 - 08 - 70295

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about January 24, 2007 in Contra Costa County, in  
 the Northern District of California defendant(s) did,

(Track Statutory Language of Offense)

knowingly and willfully transfer a false identification document that appeared to be issued by or under the authority of the United States Government knowing that such document was produced without lawful authority in violation of 18 U.S.C. § 1028(a)(2).

in violation of Title 18 United States Code, Section(s) 1028(a)(2)

I further state that I am a(n) Special Agent, DHS-ICE and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof:  Yes  No

Approved

As To Lara Kroop  
 Form: AUSA

Rocio Franco, Special Agent DHS-ICE  
 Name/Signature of Complainant

Sworn to before me and subscribed in my presence,

5/21/08

Date

Edward M. Chen  
 Hon. Edward M. Chen  
 United States Magistrate Judge

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

at San Francisco, CA

City and State

## **AFFIDAVIT OF ROCIO FRANCO IN SUPPORT OF CRIMINAL COMPLAINT**

I, Rocio Franco, Special Agent, U.S. Immigration and Customs Enforcement (ICE), being duly sworn, depose and state:

### **I. INTRODUCTION AND PURPOSE OF AFFIDAVIT**

1. This affidavit is submitted in support of a criminal complaint against OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ for violating 18 U.S.C. § 1028 (a)(2). The facts set forth in this Affidavit are based on my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. Because this affidavit is submitted for limited purposes, I have not included in it the details of every aspect of the investigation.

### **II. AGENT'S BACKGROUND AND EXPERTISE**

2. I have been a Special Agent with the U. S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately fifty-four (54) months. I am currently assigned to the Operation Community Shield (OCS)/Predator Unit at the ICE's San Francisco, California office, and I am responsible for enforcing federal criminal statutes involving individuals who sell, produce, and distribute counterfeit documents.

### **III. INDIVIDUALS INVOLVED**

3. OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ (hereafter referred to as RAMOS) was born on August 13, 1982. Record searches revealed that RAMOS does not possess a valid California Driver's License. Based on information from ICE databases and criminal history sheets, I believe that RAMOS is a citizen and national of Mexico and currently residing in the United States illegally. There are no records available to me at this time that indicate RAMOS possesses any documents to be legally in the United States.

### **IV. APPLICABLE LAW**

4. Title 18 U.S.C. § 1028(a)(2) provides criminal penalties for "Whoever, in a circumstance described in subsection (c) of this section . . . knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority." Subsection (c) provides that "[t]he circumstance referred to in subsection (a) of this section is that (1) the identification document, authentication feature, or false identification document is or appears to be issued by or under the authority of the United States . . . ."

## V. FACTS ESTABLISHING PROBABLE CAUSE

5. On or about January 24, 2007, in front of the Four Corners Liquor Store located at 1661 Monument Blvd, Concord, California, an ICE confidential informant was approached by an individual identifying himself as "Daniel." Previous to the encounter, I instructed the ICE confidential informant to ask for counterfeit Lawful Permanent Resident (LPR) cards known in the street as "micas," counterfeit Social Security Number (SSN) cards, and counterfeit California Drivers Licenses. Additionally, I had provided the ICE confidential informant with a total of six (6) photographs to be used for the counterfeit documents. Subsequently, I observed the ICE confidential informant hand "Daniel" the pictures I had previously given him/her.

6. The same day, the ICE confidential informant received a call from phone number 925-497-5704. The caller identified himself as "Daniel." "Daniel" asked the ICE confidential informant questions about height, weight, eye/hair color, and address for the counterfeit California Drivers License. I overheard the conversation the ICE confidential informant had with "Daniel" and I assisted the ICE confidential informant in providing a false address. I also overheard "Daniel" stating that the "stuff" would be ready in 30 minutes and that he would typically charge \$440 dollars to \$460 dollars for everything, but that for the ICE confidential informant he would only charge \$400 dollars for all the counterfeit documents.

7. At approximately 1500 hours, the ICE confidential informant received a second call from phone number 925-497-5704 and the caller identified himself as "Daniel." I overheard "Daniel" tell the ICE confidential informant that the "stuff" was ready for pick up. Subsequently, at approximately 1520 hours, the ICE confidential informant and I arrived at the Four Corners Liquor Store area on Monument Boulevard. I observed "Daniel" meeting the ICE informant in a secluded area. I observed the ICE confidential informant give "Daniel" \$400 dollars and "Daniel" give the ICE confidential informant two (2) counterfeit Lawful Permanent Resident Cards, two (2) counterfeit Social Security Number (SSN) cards, and one (1) counterfeit California Driver's License. After the exchange between "Daniel" and the ICE confidential informant, I observed the counterfeit documents and saw that the persons on the pictures I had previously given to the ICE confidential informant were the same ones in the counterfeit documents.

8. Through booking photos and surveillance, I later identified "Daniel" as OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ.

9. Based on my training and experience, I determined that the documents RAMOS delivered to the ICE confidential informant were counterfeit because they lacked authentication features and because the numbers on the Lawful Permanent Resident cards and the numbers on the Social Security Number cards are not assigned to the person named on the documents. Nor is the number on the counterfeit California Driver's License assigned to the person named in the document.

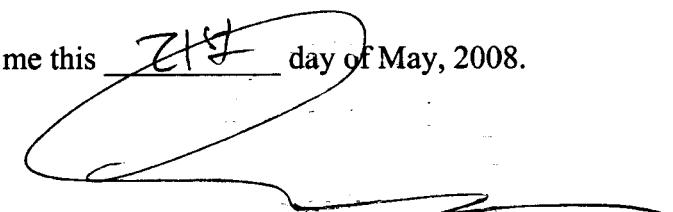
10. Genuine Lawful Permanent Resident cards and genuine Social Security Number cards are issued by the United States under the authority of the United States.

## VI. CONCLUSION

11. On the basis of the above information, I submit that probable cause exists to believe that OSCAR RAMOS VASQUEZ, a/k/a OSCAR VASQUEZ did knowingly and willfully transfer a false identification document that appeared to be issued by or under the authority of the United States Government knowing that such document was produced without lawful authority in violation of 18 U.S.C. § 1028(a)(2).

  
Rocio Franco  
Special Agent  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
San Francisco, California

Subscribed and sworn to before me this 21<sup>st</sup> day of May, 2008.

  
The Honorable Edward Chen  
United States Magistrate Judge  
Northern District of California  
San Francisco, California